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2 UNITED STATES DISTRICT COURT  
3 WESTERN DISTRICT OF WASHINGTON  
4 AT TACOMA

5 ANDREW HIEB,

6 Petitioner,

7 v.

8 JEFFREY UTTECHT,

9 Respondents.

CASE NO. C19-5416 BHS

ORDER ADOPTING REPORT  
AND RECOMMENDATION

10 This matter comes before the Court on the Report and Recommendation ("R&R")  
11 of the Honorable J. Richard Creatura, United States Magistrate Judge. Dkt. 13. The Court  
12 having considered the R&R and the remaining record, and no objections having been  
13 filed, does hereby find and order as follows:

- 14 (1) The R&R is **ADOPTED**;
- 15 (2) Petitioner's federal habeas petition, Dkt. 6, is **DISMISSED without**  
16 **prejudice**;
- 17 (3) A certificate of appealability is **DENIED**; and
- 18 (4) The Clerk shall enter **JUDGMENT** and close this case.

19 Dated this 23rd day of September, 2019.

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22 BENJAMIN H. SETTLE  
United States District Judge